

REMARKS

Claims 1, 3-10, and 12-17 are pending in the present application, of which claims 14-17 have been withdrawn pursuant to 35 USC 121. Accordingly, claims 1, 3-10, and 12-13 are currently under consideration.

Independent claims 1 and 10 have been amended to more clearly define the invention. In particular, claims 1 and 10 have been amended to make clear that the modified styrene-butadiene rubber contains at least one acrylonitrile unit. As noted in the specification on page 7, second full paragraph, Applicant defines the term "modified" for the particulate modified styrene-butadiene rubber to mean that it contains at least one acrylonitrile unit. Accordingly, it is respectfully submitted that the present amendment to the claims merely made explicit that which was implicit in the disclosure of the specification. Claims 2 and 11 have been cancelled to avoid confusion. Entry of the amendments and reconsideration of the claimed subject matter are respectfully solicited.

In the Office Action, it is noted that no acknowledgement is made of the foreign priority to Applicants' foreign applications. Clarification is respectfully solicited.

REJECTION UNDER 35 USC 102

Claims 1 and 10 were rejected under 35 USC § 102(a) as being anticipated by Inoue (6,555,268). The rejection is traversed and it is respectfully submitted that claims 1 and 10 are patentable within the meaning of 35 USC § 102(a).

In the Office Action in paragraph 8, the Examiner asserted that Inoue discloses a particulate "modified" styrene-butadiene. Applicant respectfully disagrees with this interpretation of this reference. There is no disclosure anywhere in Inoue that the polymers used in the electrolyte contain at least one acrylonitrile unit, let alone independent claims 1 and 10.

Accordingly, for at least this reason, Inoue does not anticipate claims 1 and 10. Reconsideration and withdrawal of the rejection are respectfully solicited.

REJECTION UNDER 35 USC 103

Claims 2-9 and 12-13 were rejected under 35 USC § 103 as being unpatentable over Inoue in view of one or more secondary references. The rejections are traversed and it is respectfully submitted that the claims pending in the application are patentable within the meaning of 35 USC § 103.

Initially, the Examiner should note that both Inoue and the present application are assigned to Matsushita Electric Industrial Company, Ltd. It is respectfully submitted that the applied reference of Inoue does not qualify as prior art under 35 USC § 103(c) of the present application. Applicant respectfully submits that the entire rights to the subject matter of Inoue and the claimed invention were commonly owned by the same organization, or subject to an obligation of assignment to the same organization at the time that the claimed invention was made. Accordingly, reconsideration and withdrawal of the rejection are respectfully solicited.

Moreover, the secondary reference to Igarashi would not have directed one of ordinary skill in the art to the presently claimed subject matter. Igarashi teaches the use of polyvinyl alcohol in a binder for the purpose of improving the adhesion of the binder to an electrode. (See, e.g., column 3, title; column 3, lines 6-9).

Igarashi does mention that in addition to the polyvinyl alcohol polymer, additional polymers can be added to the binder and discloses a laundry list of all possible additional polymers that can be added. (See, e.g., column 6, lines 11-57). Applicant respectfully submits that there is no reason why one of ordinary skill in the art would have necessarily selected a combination of polymers for the binder, let alone a particular polymer identified by the Examiner

from among the groups of polymers listed in Igarashi. Furthermore, there is no reason why one of ordinary skill in the art would have combined the teachings of Igarashi and Inoue in the manner to arrive at the claimed subject matter. Accordingly, reconsideration and withdrawal of the rejection are respectfully solicited.

Based on the foregoing, it is respectfully submitted that pending claims 1, 3-10, and 12-13 under consideration are patentable within the meaning of 35 USC §§ 102 and 103. Accordingly, favorable consideration and allowance of the application are respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY



Daniel Bucca, Ph.D.
Registration No. 42,368

600 13th Street, N.W.
Washington, DC 20005-3096
(202) 756-8000 DB:ajb
Facsimile: (202) 756-8087
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